

REMARKS

Applicant wishes to thank the Examiner for her time and assistance in the telephonic interview on November 8, 2004.

The title has been amended to more clearly reflect the subject matter being claimed.

Claims 1-17, 19-25 and 27-32 have been canceled.

New claims 33-66 are presented for prosecution.

Claims 18, 26 and 33-66 remain pending in the application. Of these, claims 18 and 26 are currently amended.

Claim 18 is objected to. Claim 18 has been amended in view of this indication of allowability to incorporate the subject matter of claims 17 and 18. Claim 26 has been amended to depend on claim 18. New dependent claim 33 further defines the subject matter of claim 18 and is therefore also believed to be allowable over the cited references.

The claims are rejected in various combinations under 35 U.S.C. 102(b) based on Potente et al. U.S. 4,638,521 (Potente '521), Yoder U.S. 2,826,201 (Yoder '201), Gardner U.S. 1,323,042 (Gardner '042), or Foley et al. U.S. 5,779,654 (Foley '654) and under 35 U.S.C. 103(a) based on Potente '521 in view of Foley '654. Potente '521 discloses an oral cleaning device 10 having a cleaning element 22 extending from the top or concave surface. The cleaning element 22 may take the form of a sponge (col. 3, lines 18-20), bristles 24 (col. 3, lines 41 and 42) or ridges 26, e.g., formed of Velcro (col. 4, lines 43-45). Yoder '201 discloses a teething device 11 having a series of protuberances 40. Garner '042 discloses a toothbrush 1 having a plurality of prongs 2 in which are mounted bristles 3 (lines 58-65). Foley '654 discloses a clean breath wand 10 having a plurality of scraping blades 140. Blade 140 may extend downwardly from the face 40 in an arcuate manner, such as in a partial circle or rounded corner frusto conical shape (col. 4, lines 17-21).

New independent claims 34 and 39 are directed to an eating utensil having a tine. Claim 34 is directed to an eating utensil having a blunt projection elongated along the axis of the food-carrying platform. Claim 39 is directed to an eating utensil having a projection elongated traverse the axis of the food-carrying platform. As defined by the amended claims, none of the cited references teach or suggest a utensil (i) having a tine, (ii) having a blunt projection, and in which (iii), the projection is elongated along or traverse the axis of the platform. In particular, the bristles of Gardner '042 extend radially from the platform and are arranged in round or circular tufts. Neither

the bristles nor any of the tufts are elongated along or traverse the axis of the platform. With respect to Daboul U.S. 2,423,487 (Daboul '487), cited in Applicant's Information Disclosure Statement filed October 29, 2003 and referenced in the Interview Summary dated November 12, 2004, the device of Daboul '487 is a masticating fork. To perform this function, it is axiomatic that the ridges 18/19/20, teeth 21, and ribs 23 are not blunt projections. Dependent claims 35-38 and 40-43 further define the subject matter of claims 34 and 39 respectively and are therefore also believed to be allowable over the cited references.

New independent claims 44, 49, 54, 57 and 61 are directed to an eating utensil having a food-carrying platform comprising a concave bowl. Claim 44 is directed to an eating utensil having a blunt projection having a generally smooth bottom surface and elongated along the axis of the food-carrying platform. Claim 49 is directed to an eating utensil having a projection having a generally smooth bottom surface and elongated traverse the axis of the food-carrying platform. As defined by new claims 44 and 49, none of the cited references teach or suggest a utensil (i) having a concave bowl, (ii) having a blunt projection, (iii) in which the projection has a generally smooth bottom surface, and in which (iv), the projection is elongated along or traverse the axis of the platform. With regard to Welt et al. U.S. 5,984,935 (Welt '935), referenced in the Interview Summary dated November 12, 2004, a tongue cleaner is disclosed having a series of scraping blades 10 extending from the top or inside concave portion of the bowl. To perform this scraping function, it is axiomatic that the blades 10 are not blunt projections as defined by the instant claims, but are relatively sharp edges (see col. 3, lines 7-11). The Dependent claims 45-48 and 50-53 further define the subject matter of claims 44 and 49 respectively and are therefore also believed to be allowable over the cited references.

Claim 54 incorporates the subject matter of claims 17 and 19 and is directed to an eating utensil having a having at least one convex, dome shaped blunt projection. Claim 19 is rejected based on Potente '521 in view of Foley '654. Applicant respectfully traverses this rejection. As defined by new claim 54, none of the cited references teach or suggest a utensil (i) having a concave bowl, (ii) having a blunt projection, and in which (iii) the projection is convex, dome shaped. Potente '521 discloses a wand having a cleaning surface 22 for rubbing/scrapping contact with the tongue to remove bacteria and debris from the tongue. The Examiner acknowledges that Potente '521 does not teach or suggest a convex, dome shaped projection. Foley '654 similarly

discloses a scraping blade 140 for removing bacteria and debris from the tongue. To perform this function, it is axiomatic that the cleaning blades of Potente '521 and Foley '654 are not blunt projections. A blunt projection would not provide an edge sufficient to dislodge bacterial film and debris. Therefore, the cited references teach away from the claimed subject matter. In addition, both Potente '521 and Foley '654 are directed to oral cleaning devices. The claimed subject matter is directed to eating utensils providing oral tactile stimulation. The cited references are not directed to the problems of delivering food or providing tactile stimulation. One skilled in the art and addressing the problem of delivering food while providing oral tactile stimulation would not look to the oral cleaning arts for a solution to the problem presented. Applicant believes that the references are directed to a non-analogous art and therefore respectfully requests that the rejection be withdrawn. Dependent claims 55 and 56 further define the subject matter of claim 54 and are also believed to be allowable over the cited references.

Claim 57 is directed to an eating utensil having a blunt projection extending from the bottom surface and elongated along the axis of the food-carrying platform. Claim 61 is directed to an eating utensil having a blunt projection extending from the bottom surface and elongated traverse the axis of the food-carrying platform. As defined by new claims 57 and 61, none of the cited references teach or suggest a utensil (i) having a concave bowl, (ii) having a blunt projection, (iii) in which the projection extends radially from the bottom surface, and in which (iv), the projection is elongated along or traverse the axis of the platform. With regard to Welt '935, as previously noted, the scraping blades 10 do not extend from the bottom surface underneath the convex side of the bowl, as defined in claim 61. Dependent claims 58-60 and 62-64 further define the subject matter of claims 57 and 61 respectively and are therefore also believed to be allowable over the cited references.

New claim 65 is directed to an eating utensil having a food-carrying platform comprising a concave bowl and at least one blunt, pliable projection overmolded unto the platform. New claim 66 is directed to an eating utensil having a food-carrying platform having at least one time and at least one blunt, pliable projection overmolded unto the platform. With respect to Metzler U.S. 1,892,068 (Metzler '068), cited in the Examiner's Notice of References Cited and referenced in the Interview Summary dated November 12, 2004, a massage device 3 which is formed of rubber and which may be applied to the handle of a toothbrush is disclosed. Neither the

device 3 nor the handle 1 to which it is applied comprise a concave bowl (as defined by claim 65) or have at least one tine (as defined by claim 66). Therefore, applicant believes claims 65 and 66 to be allowable over the cited references.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 18, 26 and 33-66 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach

Patricia A. Limbach

Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

24 November 2004

Customer No.: 26308

Johnson, Lom/18434/041124 AMENDMENT A

Enclosures: Amendment Transmittal Letter
 Return Postcard